

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KAREN LOUISE SMITH, )  
Plaintiff, )  
vs. )  
MICHAEL J. ASTRUE, ) Case No. 4:08CV01945 ERW  
Commissioner of Social Security )  
Defendant. )

## **MEMORANDUM AND ORDER**

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III [doc. #30], pursuant to 29 U.S.C. § 636(b).

The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). The Court has considered the Report and Recommendation and hereby sustains, adopts and incorporates herein the Magistrate Judge's Report and Recommendation in its entirety. The Social Security Commissioner's decision denying Plaintiff's claims for benefits is reversed and remanded for further proceedings.

Accordingly,

**IT IS HEREBY ORDERED** that under sentence four of 42 U.S.C. § 405(g), the final decision of the Commissioner of Social Security denying Plaintiff Karen Louise Smith disability benefits is **REVERSED** and **REMANDED**, for further proceedings consistent with this Order and the Report and Recommendation of United States Magistrate Judge Terry I. Adelman.

Dated this 24th Day of February, 2010.

E. Richard Webber  
E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE